

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WAYNE MOORE AND KIMBERLY
MOORE,

Plaintiffs,

v.

STATE FARM FIRE AND CASUALTY
COMPANY,

Defendant.

CIVIL ACTION

NO. 14-3113

ORDER

AND NOW, this 3rd day of February 2015, upon consideration of Defendant State Farm Fire and Casualty Company's Motion to Dismiss Pursuant to F.R.C.P. 12(b)(6) and the response thereto, it is hereby **ORDERED** that the motion is denied in part and granted in part. It is **ORDERED** that Defendant's request to dismiss paragraph 39 of the Complaint is **DENIED**. It is further **ORDERED** that Defendant's Motion to Dismiss Count III of the Complaint is **GRANTED**. Count III is hereby **DISMISSED WITH PREJUDICE**.

BY THE COURT:

/S/ WENDY BEETLESTONE, J.

WENDY BEETLESTONE, J.